



February 28, 2003

SENATE BILL No. 374

DIGEST OF SB 374 (Updated February 25, 2003 3:59 PM - DI 106)

Citations Affected: IC 35-43.

Synopsis: Conversion by failure to return rented property. Makes it a Class D felony if a person knowingly or intentionally fails to return a leased motor vehicle or item of personal property after delivery or attempted delivery of a notice by certified mail. Permits a court to enter a judgment of conviction for a Class A misdemeanor if the motor vehicle or property is returned or recovered within 90 days.

Effective: July 1, 2003.

Clark

January 16, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.
February 27, 2003, amended, reported favorably — Do Pass.

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SB 374—LS 7784/DI 106+



February 28, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 374

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 35-43-4-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2003]: **Sec. 3.3. (a) If a person:**

(1) leases:

(A) a motor vehicle; or

(B) any item of personal property with a value greater than five thousand dollars (\$5,000);

under a written agreement to return the motor vehicle or personal property to a specified location within a specified time; and

(2) fails to return the leased motor vehicle or item within the specified time;

the lessor shall comply with subsection (b).

(b) If a person fails to return a leased motor vehicle or item of personal property as described in subsection (a), the lessor shall:

(1) send written notification of the violation of the agreement to the person;

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- 1 (2) include in the notice a request for return of the article
2 within three (3) days after receipt of the notice; and
3 (3) mail the notice to the address provided by the person on
4 the written agreement.

5 The lender shall send the notice required by this subsection by
6 certified mail, return receipt requested.

7 (c) A person who knowingly or intentionally fails to return a
8 leased motor vehicle or item of personal property described in
9 subsection (a) within three (3) days after delivery or attempted
10 delivery of the notice described in subsection (b) commits rental
11 conversion, a Class D felony. However, notwithstanding
12 IC 35-50-2-7(b), if the motor vehicle or item of personal property
13 is returned or recovered within ninety (90) days after the motor
14 vehicle or item of personal property was required to be returned
15 under the written agreement, the court may enter judgment of
16 conviction as a Class A misdemeanor and sentence accordingly.
17 This section does not prohibit the court from entering a judgment
18 of conviction as a Class A misdemeanor under IC 35-50-2-7(b) if
19 the motor vehicle or item of personal property is not returned or
20 recovered within ninety (90) days after the motor vehicle or item
21 of personal property was required to be returned under the written
22 agreement.

23 (d) Failure to receive a notice properly mailed to the person's
24 last known address is not a defense to a prosecution under
25 subsection (c).

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COMMITTEE REPORT

Mr. President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred Senate Bill No. 374, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 7, delete "hundred" and insert "**thousand**".

Page 1, line 7, delete "(\$500)" and insert "**(\$5,000)**".

Page 2, line 3, delete "last known".

Page 2, line 3, delete "of the person." and insert "**provided by the person on the written agreement.**".

Page 2, line 10, after "felony." insert "**However, notwithstanding IC 35-50-2-7(b), if the motor vehicle or item of personal property is returned or recovered within ninety (90) days after the motor vehicle or item of personal property was required to be returned under the written agreement, the court may enter judgment of conviction as a Class A misdemeanor and sentence accordingly. This section does not prohibit the court from entering a judgment of conviction as a Class A misdemeanor under IC 35-50-2-7(b) if the motor vehicle or item of personal property is not returned or recovered within ninety (90) days after the motor vehicle or item of personal property was required to be returned under the written agreement.**".

and when so amended that said bill do pass.

(Reference is to SB 374 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 0.

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